REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

The information disclosure statement filed August 22, 2008 but not considered has been resubmitted with valid dates of publication.

Claims 1-9, 12-14, 16-18, and 20 are pending in the application, with claims 1, 9, and 17 being independent. Claims 10, 11, 15, and 21-75 were previously canceled, and claim 19 is canceled herein without prejudice to or disclaimer of the subject matter recited therein. Claims 9 and 17 are amended herein. Support for the claim amendments and additions can be found in the original disclosure at least at page 30, line 4 through page 32, line 11. No new matter has been added.

ALLOWABLE SUBJECT MATTER

Claim 19 stands objected to as depending from a rejected base claim, but would be allowable if rewritten in independent form. Claim 17 is amended herein to include the features of allowable dependent claim 19, and claim 19 is canceled. Accordingly, claim 17 is believed to be allowable.

§ 103 REJECTIONS

Claims 9, 12-14, 16-20 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 7,012,919 (So) in view of U.S. Patent No. 6,438,100 (Halpern). Applicant respectfully traverses the rejection. Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application,

claims 9 and 17 have been amended as proposed during the interview and are believed to be allowable.

     Independent claim 9, as presently amended, is directed to a system for highly available network load balancing infrastructure, and recites, among other things, "a plurality of different means for load balancing network traffic wherein once a packet is classified by a classifier means subsequent packets in that connection are forwarded by a forwarder means without additional classification wherein the classifier means is separate from the forwarder means to enhance scalability, wherein the forwarder means has a relatively greater ability to accommodate a high packet flux and the classifier means has a relatively greater ability to accommodate processing-intensive tasks."

     So is directed to intelligent load balancing in a label switched path environment. (So, Abstract.). However, So fails to disclose or suggest "wherein the forwarder means has a relatively greater ability to accommodate a high packet flux and the classifier means has a relatively greater ability to accommodate processing-intensive tasks," as presently recited in independent claim 9. Halpern is directed to routing server redundancy in a network having carrier scale networking and was cited for its alleged teaching of a "providing the classifier means separate from the forwarder means" (Office Action, page 3). However, Halpern fails to remedy the deficiencies in So noted above with respect to claim 9. For example, Halpern fails to disclose or suggest at least the elements described above and as presently recited in claim 9.

     Thus, So and Halpern, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the features of

claim 9. Accordingly, as discussed during the interview, independent claim 9 is allowable.

Dependent claims 12-14, and 16 depend from independent claim 9 and are allowable by virtue of this dependency, as well as for additional features that they recite.

Independent claim 17, as amended, recites, among other things, "a first device that includes forwarding functionality; and a second device that includes classifying functionality, the classifying functionality performing classifying for the forwarding functionality wherein once a packet has been classified subsequent packets in that connection are forwarded without further classification, and further wherein hardware of the first device differs and is separate from hardware of the second device to enhance scalability; wherein the hardware of the first device has a relatively greater ability to accommodate a high packet flux, and the hardware of the second device has a relatively greater ability to accommodate processing-intensive tasks."

For reasons similar to those given above with regards to claim 9, So and Halpern, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the features of claim 17 which recites a first device that includes forwarding functionality, a second device that includes classifying functionality wherein "the hardware of the first device has a relatively greater ability to accommodate a high packet flux, and the hardware of the second device has a relatively greater ability to accommodate processing-intensive tasks." Accordingly, as discussed during the interview, independent claim 17 is allowable.

Dependent claims **18 and 20** depend from independent claim 17 and are allowable by virtue of this dependency, as well as for additional features that they recite.

<div align="center">**CONCLUSION**</div>

For at least the foregoing reasons, claims 1-9, 12-14, 16-18, and 20 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned to resolve the issue**.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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